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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MICHAEL R. MARCUS and VICTORIA L.
MARCUS,

Plaintiffs,

vs.

AIR & LIQUID SYSTEMS CORPORATION,
et al.,

Defendants.

Case No.: 4:22-cv-09058-HSG

[Alameda County Superior Court Case No.:
22CV021840]

**PROVISIONAL STIPULATION OF
DISMISSAL WITH PREJUDICE: HILL
BROTHERS CHEMICAL COMPANY;
ORDER**

Courtroom: 02, 4th Floor

District Judge: Hon. Haywood S. Gilliam Jr.

Filed in State Court: November 15, 2022

Removed to NDCA: December 21, 2022

Trial Date: September 9, 2024.

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, pursuant to Federal Rule of Civil Procedure Section
3 41(a)(1)(A)(i)(ii), Plaintiffs Michael R. Marcus and Victoria L. Marcus (“Plaintiffs”) and HILL
4 BROTHERS CHEMICAL COMPANY, (“Defendant”) hereby stipulates as follows:

5 1. On November 15, 2022, Plaintiffs filed their Complaint for Personal Injury and Loss
6 of Consortium – Asbestos in the Superior Court of the State of California, Couty of Alameda
7 Case No. 22CV021840.

8 2. On December 21, 2022, the above action was removed to the United States District
9 Court, Northern District of California, Case No. 4:22-09058.

10 3. On July 23, 2024, Plaintiffs and Defendant reached an agreement of all claims in this
11 action.

12 4. The terms of settlement are not yet perfected, but Plaintiffs and Defendant agree that
13 this matter should not be litigated due to the agreed-upon resolution.

14 Based on the foregoing facts, Plaintiffs and Defendant stipulate and agree to the
15 following:

16 This Court should conditionally dismiss this Action in its entirety against HILL
17 BROTHERS CHEMICAL COMPANY, only, with prejudice. As the terms of settlement are not
18 yet perfected, this Court will retain jurisdiction over the matter for sixty (60) days.

19 DATED: August 13, 2024

Maune Raichle Hartley French & Mudd LLC

20 By:  _____

21 Rabiah N. Oral
22 Attorney for Plaintiffs

23 DATED: August 13, 2024

Morgan Lewis & Bockius LLP

24 By: /s/ Michael Giaquinto _____

25 Amy Jo Talarico
26 Michael B Giaquinto
27 Attorney for HILL BROTHERS
28 CHEMICAL COMPANY

LOCAL RULE 5-1(i)(3) SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

In accordance with L.R5-1(i)(3), I, Rabiah N. Oral, attest that all signatories identified above, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

DATED: August 13, 2024

By: _____


Rabiah N. Oral, Esq.
Attorney for Plaintiffs


ORDER

Having read and considered the foregoing stipulation of parties, and good cause appearing:

PURSUANT TO STIPULATION, IT IS SO ORDERED that HILL BROTHERS CHEMICAL COMPANY, only, is conditionally dismissed with prejudice from this Action in its entirety. Perfection of the terms of the settlement is to be completed within 60 days of this signed Order. The Court shall retain jurisdiction for 60 days from the date of this signed Order.

IT IS SO ORDER.

DATED: 8/14/2024


Hon. Haywood S. Gilliam, Jr.
UNITED STATES DISTRICT COURT JUDGE